IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 627 of 2005

Bhim Singh s/o late sh Nathu Singh
R/o Village Nathanpur,
PO Nehrugram
District Dehradun — Applicant

Versus

1 State of Uttaranchal
2 Krishnand Nautiyal
S/o Sh.Govind Ram
R/o M-9 B,Shivlok-2,Haridwar
District Haridwar
3 Omprakash Nautiyal
S/o Sh.Govind Ram
R/o M-34 Shivlok, 3,Haridwar
District Haridwar
4 Dinesh Badhani
S/o Sh. Govind Prasad Badhani
R/o village Nathanpur ,
Post Nehrugram, District Dehradun — opposite party

Hon'ble B.C. Kandpal,J

This petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing the proceedings in Criminal Case No. 1098 of 2004 Krishnanand and another vs Dinesh Badhani and another pending in the court of Judicial Magistrate Ist class, Dehradun.

Heard Shri Rakesh Thaplyal , learned counsel for the applicant, Learned AGA and perused the record.

It has been urged by the learned counsel for the petitioner that no offence is made out against the petitioner and he has been impleaded merely because he signed the agreement and power of

attorney by producing himself as witness though he has nothing to do with the transaction of property in question. It has also been stated that no offence under Section 420 IPC is made out against the petitioner as the ingredients which are the consideration for offence under Section 420 IPC are not available against him.

I do not find any force in the arguments advanced by the learned counsel for the petitioner. I also do not find any special feature in the case to say that it is not expedient and not in the interest of justice to permit the prosecution to continue.

While exercising the powers under Section 482 Cr.PC, I am not supposed to assume the role of trial court and embark upon to inquire as to the reliability of the evidence and sustainability of accusation on reasonable appreciation of such evidence.

There is no material on record to show that any mandatory provision of law has not been complied with by the trial court The case before the court below is pending since 2003 and at this stage, I do not find any abuse of process of court which may suggest that the proceedings pending before the trial court should be stopped at this stage.

The petition lacks merit and is liable to be dismissed.

Accordingly the petition is dismissed in limine.

(B.C. Kandpal,J)

22.9.2005

nbj